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PART III.

Legislative Measures and Rules thereunder.

REGULATION III OF 1926.

THE MYSORE DISTRICT BOARDS' REGULATION.

[RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE FIRST DAY OF JULY 1926.]

Whereas, it is expedient to consolidate and amend the law relating to Local Boards and Village Panchayets (Regulation No. VI of 1918), so far as it pertains to District Boards, it is hereby enacted as follows :—

CHAPTER I.—PRELIMINARY.

Short title. 1. (1) This Regulation may be called the Mysore District Boards' Regulation, 1926.

Extent. (2) It shall extend to the whole of Mysore.

Commencement. (3) It shall come into force in any district on such date as the Government may, by notification, direct.

Provided that it shall be lawful at any time after the passing of this Regulation, to hold elections in any district as prescribed in this Regulation or the rules framed thereunder, but such elections shall not take effect till the commencement of this Regulation in that district.

Repeal and Savings. 2. On this Regulation coming into force in any District—

(*a*) the Mysore Local Boards and Village Panchayets Regulation, 1918, and Regulation III of 1921, in so far as they relate to Local Boards, shall be repealed in that District and

(*b*) every District Board, Taluk Board, Committee or Joint Committee, constituted or appointed under the aforesaid Regulation shall cease to exist in that district :

Provided that—

(*a*) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the aforesaid Mysore Local Boards and Village Panchayets Regulation, 1918;

(*b*) any appointment, notification, notice, order, scheme, license, permission, rule, bye-law, form, tax, fee, cess or rate, made, issued, given or imposed, contracts entered into and suits and other proceedings instituted under, the aforesaid Mysore Local Boards and Village Panchayets Regulation, 1918, or under any enactments or rules thereby repealed, shall, so far as may be, be deemed to have been made, issued, given, imposed, entered into and instituted under this Regulation;

(*c*) the assets and liabilities of the aforesaid District and Taluk Boards in such district shall, subject to such conditions as may be imposed by the Government, devolve on the District Board constituted under this Regulation; provided that any funds set apart for a specific purpose by the aforesaid Boards, shall not be diverted for any other purpose, without the consent of the District Board thus constituted.

Interpretation.

3. In this Regulation—

(1) "District" means any local area which, for the purpose of the collection of land revenue, shall have been placed, for the time being, under the charge of a Deputy Commissioner of a District, or which, for the purposes of this Regulation, the Government may, by notification in the official gazette, from time to time, declare to be a district.

(2) "Deputy Commissioner" includes the officer in charge of the revenue administration of a part of a district declared as aforesaid to be a District for the purposes of this Regulation.

(3) "District Board" means any Board constituted under this Regulation.

(4) "Prescribed" means prescribed by rules made under this Regulation.

CHAPTER II.—CONSTITUTION OF DISTRICT BOARDS.

Establishment and incorporation of District Boards.

4. (1) As soon as may be, after the commencement of this Regulation, and with effect from such date as it may appoint, the Government of His Highness the Maharaja shall establish by notification in the official gazette, for each district, a District Board having authority over the entire district, provided that such portions of the district as are included in a Municipality or are under the authority of a Sanitary Board constituted under the Mysore Mines Regulation, 1906, shall be excluded from the jurisdiction of the District Board.

(2) Every District Board shall be a body corporate by the name of the District Board of the District for which it shall have been established, shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

Constitution of District Boards.

5. (1) Every District Board shall consist of—

(*a*) elected members, (*b*) such persons, if any, as the Government from time to time appoints by name, who shall be called "nominated members," and (*c*) *ex-officio* members, if any, as the Government may appoint under sub-section (2).

(2) Any officer of the Government may be appointed by the Government by his official designation only to be *ex-officio* member of the Board. The holder of the office for the time being and all persons succeeding thereto shall then be members of the Board in succession provided that the combined term of office of such persons as members of the Board shall be limited to the term prescribed in section 24.

(3) The number of elected members shall be not less than two-thirds of the whole Board, and the number of the salaried servants of the Government, if any, shall not exceed one half of the remaining strength.

Government may determine the strength of the District Board and the number of members to be elected or appointed as *ex-officio* or by nomination.

6. Subject to the provisions of the last preceding section, the Government shall, from time to time, generally for each or specially for any particular District Board fix—

(*a*) the total number of members,

(*b*) the number of members, who shall be elected, and

(*c*) the number of members, if any, who shall be appointed *ex-officio* or by nomination;

and may alter any number so fixed.

Elected members of District Boards by whom to be elected.

7. The elected members of District Boards shall be elected by general and special constituencies and the description, number and extent of such constituencies and the number of members to be elected by each constituency shall be regulated by the rules or orders of the Government notified in this behalf.

Deputy Commissioner to keep lists of voters.

8. (1) The Deputy Commissioner shall keep a list, for each constituency of the District Board within his district, of the persons qualified to vote in such constituency at elections of members to the District Board.

Data for preparation of lists.

(2) Such list shall be prepared by the Deputy Commissioner whenever a date has been fixed for any election of persons to fill the places of persons whose term of office has expired or whenever the Government so directs, and shall be based upon such information as shall be available in the records of the Deputy Commissioner and of the officers subordinate to him.

Revision and publication of lists.

(3) The list prepared under sub-section (2) shall be revised and published in accordance with such rules as may be prescribed by the Government.

Lists conclusive evidence of right to be elected or to vote.

(4) No person whose name is not in the revised list last published before the date of any election shall be qualified to be elected or to vote at the election of a member for the constituency for which such list has been prepared.

What persons may be voters at elections.

9. Every person who is not less than 21 years of age and who is not subject to any disqualification specified in section 10 or any other provision of this Regulation or the rules thereunder, shall be entitled to have his name entered in the list for a constituency prepared under section 8, qualifying him to vote at elections of members to District Boards in such constituency, if he,

(*a*) in the case of a special constituency possesses the qualifications prescribed by the Government in the behalf,

(*b*) in the case of general constituency possesses one or more of the qualifications described in Schedule I and is also a subject of His Highness the Maharaja by birth or domicile and has resided in the Mysore State or in the Civil and Military Station, Bangalore, for six months prior to the date fixed for the preparation of the electoral list.

Explanation.—"Subject of His Highness the Maharaja by domicile" means one who resided in the Mysore State or in the Civil and Military Station, Bangalore, for a period of not less than five years.

General disqualification of voters.

10. No person may vote who—

(*a*) has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed; or

(*b*) is a person against whom an order has been passed under Section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under Section 110 of that Code, such order not having been subsequenty reversed or quashed; or

(*c*) has been dismissed from Municipal, District Board or Government service and debarred from being re-entertained in such service, or

(*d*) was a legal practitioner whose Sannad has been permanently withdrawn by a competent court; or

(*e*) has been removed from office under Section 27, or

(*f*) is a legal practitioner whose Sannad has been suspended by a final order of a competent court, during the period of such suspension; or

(*g*) is of unsound mind, or

(*h*) is an undischarged insolvent;

Provided that—

(*i*) the disqualification in clause (*a*) will cease to operate after expiry of three years from the expiry of the sentence, or earlier by an order of Government, and that in clause (*b*) after expiry of the period during which the person is ordered to furnish security; and

(*ii*) the disqualifications in clauses (*c*), (*d*) and (*e*) will cease to operate after expiry of five years from the date of such dismissal, withdrawal or removal, or earlier by an order of Government.

Qualifications necessary for election to District Boards.

11. Any person whose name is entered in the list prepared under Section 8 for a constituency and who is not a female, a salaried officer or servant of the District Board or the Government, and any person who has not directly or indirectly, by himself or his partner, any share or interest in any work done by order of the District Board, or in any contract or employment with or under, or by, or on behalf of, the District Board, may be a canditate at any election in such constituency:

Provided that—

(*i*) no person shall be disqualified by reason only of such

person

(*a*) having a share in any joint stock company or a share or interest in any Literary Association registered under the Societies' Registration Regulation, 1904, or in any society registered under the Mysore Co-operative Societies Regulation, 1918, which shall contract with or be employed by or on behalf of the District Board; or

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the District Board may be inserted; or

(*c*) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the District Board; or

(*d*) being professionally engaged on behalf of the District Board as a legal practitioner:

(*ii*) a person who is already a member of a District Board shall not be entitled to be a candidate at a bye-election held before the expiry of his term of office as member of such District Board.

Vacation of seats and re-eligibility of members

12. (1) If any person is elected or appointed to a District Board and is subject to any of the disqualifications specified in this Regulation, his seat shall be deemed to be vacant and the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the person in whose place he is elected or appointed would have held it.

(2) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purposes of deciding such question, dispute or doubt.

(3) A person who has already been elected or appointed a member of a District Board on one or more occasions shall, if otherwise duly qualified, and subject to the proviso to Section 11, be eligible for re-election or reappointment.

Elections when to be held and provisions for elections or nominations in particular cases.

13. (1) Subject to such rules as may be prescribed in this behalf, every election requisite for the purposes of this Regulation shall be held on such dates as the Deputy Commissioner shall fix in this behalf.

(2) (*a*) Where the number of duly qualified candidates is not more than the number of members required to be elected, the Deputy Commissioner shall declare all such candidates to be elected.

(*b*) Where there is no duly qualified candidate, or where the number declared under clause (*a*) above is less than the number required to be elected, the Deputy Commissioner shall report the fact to Government with proposals for nominating the required number of members.

(3) In cases falling under clause (*b*) of sub-section (2), and when at any contested election no votes are recorded, or for any reason an election does not result in the return of the required number of qualified persons willing to take office, the Government shall appoint the required number of persons, being persons who would have been qualified to be elected, and the persons so appointed shall be deemed to be members of the District Board as if they had been duly elected.

(4) If at any election of a member of a District Board under this Regulation, there is an equal number of votes in favour of each of two or more persons who are willing to take office, and the addition of one vote will entitle any of the persons to be elected, the determination of the person or persons to be elected shall be made forthwith by the Polling Officer by lot in such manner as may be prescribed by the Government.

(5) If any person duly elected at any such election declines in writing to take office, the person, if any, amongst the unsuccessful candidates in whose favour the highest number of votes has been recorded and who is willing to take office shall be deemed to be the member elected.

Determination of validity of elections; enquiry by Judge; procedure.

14. (1) At any time within fifteen days after the declaration of the result of an election or the date of the order or proceeding under Section 13, any candidate who stood for election, or any ten persons qualified to vote at that election, may apply, together with a deposit of fifty rupees as security for costs to the District Judge of the District within which the election has been, or should have been held, for the determination of the validity of the election or the legality of the order or proceeding in question.

(2) An enquiry shall thereupon be held by the District Judge who may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election or the order of the Deputy Commissioner or other officer empowered in this behalf

under Section 13, or setting the election aside. For the purposes of the said enquiry, the said Judge may exercise any of the powers of a Civil Court. He may also award costs in such manner as he may deem fit and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure and his decision shall be conclusive. If he sets aside an election, he shall forthwith communicate the fact to the Deputy Commissioner who shall take the necessary steps for holding a fresh election.

(3) (*a*) If on holding such enquiry the Judge finds that a candidate has for the purpose of the election committed a corrupt practice within the meaning of sub-section (4), he shall declare the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

(*b*) If, in any case to which clause (*a*) does not apply, the validity of an election is in dispute, between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected.

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that it was given by an unqualified person or any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

(4) A person shall be deemed to have committed a corrupt practice—

(*a*) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or

(*b*) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation.—The expression "a promise of individual profit" includes a promise for the benefit of the person himself or any person in whom he is interested, but does not include a promise to vote for or against any particular measure which may come before the District Board for consideration.

(5) If the validity of the election is brought in question only on the ground of an error made by the officer charged with carrying out the rules made in this behalf or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

(6) If the judge sets aside an election under clause (*a*) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section to be disqualified from being a member of any District Board for a term of years not exceeding five and the decision of the Judge shall be conclusive;

Provided that such person may, at any time be relieved from such disqualification by an order of the Government in that behalf.

Provided further that no such declaration shall be made in favour of any person without such person being given an opportunity of showing cause why such declaration shall not be made.

Voter disqualified for corrupt practice.

15. Any person who has been disqualified for any period from being a member under the last preceding section, shall also be disqualified from voting at an election to a District Board for the same period.

Publication of names of members in the official gazette.

16. The names of all members finally elected to any District Board, as well as the names of the nominated members and the official designations of the *ex-officio* members, if any, appointed thereto, shall be published in the official gazette.

Presidents

17. (1) Every District Board shall be presided over by a President, who shall be selected from among the members and for this purpose may be either—

(*a*) appointed by the Government by name; or

(*b*) appointed by the Government *ex-officio*, that is to say, as executing the functions of any office which the Government from time to time notifies in this behalf; or

(*c*) if the Government so direct elected, by the District Board.

Deputy Commissioner to be President in certain cases.

(2) During the period intervening the expiry of the term of a President on the reconstitution of a District Board and the election or nomination, as the case may be, of another President, the Deputy Commissioner shall, notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder, take the place of the President and be an additional member, if he is not already a member, of the District Board until such elected or nominated President enters on his duties.

Vice-Presidents.

(3) There may be a Vice-President for a District Board elected by the members from among their own number, unless the Government otherwise directs.

Presidents and Vice-Presidents to be nominated in default of election.

18. (1) The election of the President or the Vice-President shall be made subject to the rules prescribed in this behalf and if any District Board fails to elect the President or the Vice-President in accordance with such rules, the Government may appoint a President or Vice-President as the case may be.

Elected President and Vice-Presidents not to be salaried servants of the Government.

(2) A salaried servant of the Government shall not be elected President or Vice-President of a District Board and the election of such servants as such shall be void.

Functions of Presidents.

19. The President of a District Board shall—

(*a*) preside at the meetings of the Board;

(*b*) watch over the financial and executive administration of the Board and submit to the Board all questions which require the sanction of the Board;

(*c*) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board; and subject to the rules at the time in force, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(*d*) furnish to the Government through the Deputy Commissioner, a copy of every resolution passed at every meeting of the Board and any extract from the minutes of the proceedings of the Board, or other document or thing which the Government may, from time to time, call for and

(*e*) furnish to the Deputy Commissioner copy of any resolution or extract from the minutes of the proceedings of the Board, or other document or thing which he may from time to time call for under Section 93.

Powers, duties and functions may be delegated to officers whose expenses may be paid.

20. (1) Any powers or duties or executive functions which may be exercised or performed by or on behalf of the District Board may be delegated by the District Board, in accordance with rules to be made by the Government in this behalf, to the President or to the Vice-President, or to the Chairman of the Standing, Economic, Public Health or other Committee, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may be exercised or may have been conferred on a Chief Officer under Section 87 or any committee by or under Sections 31, 32, 33 and 34; and each person who exercises any power or performs any duty or function so delegated, shall be paid all expenses necessarily incurred by him therein.

Emergency powers of

emergency the President of a District Board may in cases of any act which requires the execution or stoppage of any work or the doing of execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct the the expense of executing such work or doing such act shall be paid from the District Fund:

Provided that—

(*a*) he shall not act under this section in contravention of any order of the Board prohibiting the execution of any particular work or the doing of any particular act, and

(*b*) he shall report forthwith the action taken under this section and the reasons therefor to the Standing Committee at its next meeting.

Functions of Vice-Presidents.

21. The Vice-President of a District Board shall—

(*a*) in the absence of the President preside at the meetings of the Board;

(*b*) exercise such of the powers and perform such of the duties of the President as the President may, from time to time, depute to him; and

(c) save as provided in Section 17 exercise the powers and perform the duties of the President pending the succession, appointment or election of a President, or during the absence of the President on leave.

Consequence of absence of President or Vice-President without leave.

22. (1) Except in the case of a salaried servant of the Government who is either an appointed or an *ex-officio* President, every President who for a period exceeding three months, and every Vice-President who for a period exceeding one month shall absent himself from the district in such manner as to be unable to perform his duties as such President or Vice-President, shall cease to be President or Vice-President, as the case may be, unless leave so to absent himself has been granted—

(a) by the Government in the case of a President appointed under clause (a) of sub-section (1) of Section 17,

(b) by the Board in the case of an elected President or Vice-President.

Limit to the grant of leave and arrangements pending absence of President or Vice-President.

(2) Leave under sub-section (1) shall not be granted for a period exceeding six months, and whenever leave is granted to a President or Vice-President under that Sub-section, the Board shall elect one of its members to exercise all the powers and perform all the duties of a Vice-President in lieu of the Vice-President, if any, who is exercising the powers and performing the duties of the President or who is absent on leave, during the period for which such leave is granted. If there is no Vice-President for the Board or if the Vice-President is also on leave when leave is granted to a President, the Board shall elect one of the members to perform the duties of the President on leave.

Term of office of President and Vice-President and their liability to be removed.

23. (1) The term of office of every President or Vice-President shall cease on the expiry of his term of office as a member of the District Board over which he presides;

Provided that he shall after an opportunity is afforded for hearing him, be removable from office as such President or Vice-President by the Government for misconduct or neglect of or incapacity to perform his duty or in the case of an elected or nominated President or Vice-President for not commanding the confidence of the Board to be evidenced by a resolution of the District Board in favour of which not less than two-thirds of the whole number of members of such Board have given their votes at a meeting specially convened for the purpose.

Casual vacancies in their office how to be filled up.

(2) In the event of the death, resignation, or removal from office of a President or Vice-President, or of his becoming incapable of acting, or ceasing to be a member of the District Board, previous to the expiry of his term of office, the vacancy shall be filled up as soon as conveniently may be by the election or appointment of some other member of the Board thereto.

Term of office.

24. Except as is otherwise provided in this Regulation, members of District Boards shall hold office for a term of three years, extensible by order of the Government to a term not exceeding in the aggregate four years if on any occasion the Government shall think fit, for reasons which shall be notified together with the order, in the official gazette, so to extend the same.

Resignation of office as member of Board.

25. The Vice-President or any member of a District Board other than the President, may resign his office as a member of the Board by giving notice in writing to the President. The President may resign his office as a member of the Board by giving notice in writing to the Government.

Disqualification of member after election.

26. (1) Any member of a District Board who, during the term for which he has been elected or appointed,

(a) becomes disqualified under Section 10, or

(b) having any share or interest such as is described in clause (a) or (b) of proviso (i) to Section 11, acts as a member of the District Board in any matter relating to a contract or agreement between the Board and the company or society or the manager or publisher of the newspaper described in the said clauses, or

(c) is absent for more than four consecutive months from the District for which the Board is established, unless leave so to absent himself, which shall not exceed six months, has been granted by the Board, or absents himself for six consecutive months from meetings of the Board without the leave of the Board, shall cease to be a member and his office shall become vacant.

(2) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question, dispute or doubt.

Removal of members for misconduct, etc.

27. The Government may, if it thinks fit, on the recommendation of a District Board, remove any member of such Board, elected or appointed under this Regulation, after giving him an opportunity of being heard and after such enquiry as the Government deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a member of the Board, or has refused to act as a member.

Vacancies to whom to be communicated.

28. (1) On the occurrence of any vacancy in a District Board, the President shall forthwith communicate such occurrence to the Deputy Commissioner.

Casual vacancies how to be filled up.

(2) In the event of a vacancy occurring on account of, death, resignation, disqualification or removal of a member of a District Board previous to the expiry of his term of office, the vacancy shall be filled up by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he if elected or appointed would have held it if the vacancy had not occurred.

Deputy Commissioner to submit proposals to Government whenever a vacancy is to be filled up by nomination.

(3) If the member of such Board whose seat has become vacant was a nominated member, the Deputy Commissioner shall submit to Government the name of a suitable person for nomination in the vacancy.

(4) Notwithstanding anything contained in Sub-sections (2) and (3), it will be open to a District Board to direct that a vacancy be left unfilled until the next ordinary election, if the term of office of that vacancy would in the ordinary course of events have determined within six months of the occurrence of such vacancy.

CHAPTER III.

CONDUCT OF BUSINESS OF DISTRICT BOARDS.

Meetings of District Boards.

29. (1) A District Board shall meet for the transaction of business generally at district headquarters and occasionally at other places with the permission of the Government, once in every three months and shall, subject to the provisions of the following sub-sections, make, from time to time, rules not inconsistent with this Regulation and with any rules or orders made by the Government in this behalf, with respect to the appointment, powers and proceedings of Committees and the day, hour, notice, management and adjournment of meetings of itself or its Committees and generally with respect to the transaction of business thereat, as it thinks fit.

(2) (*a*) The date of the first meeting of the Board after reconstitution shall be fixed by the Deputy Commissioner, and the date of each subsequent quarterly meeting shall be fixed at the previous meeting of the Board, provided that the President may, for sufficient reasons, alter the day of the meeting to a subsequent date. The President may, whenever he thinks fit, and shall upon the written request of not less than one-fourth of the members and for a date within twenty-one days from the receipt of such request, call a special meeting. Such request shall specify the object for which a meeting is proposed to be called.

(*b*) Fourteen clear days' notice of a quarterly meeting and ten clear days' notice of a special meeting, specifying the time and place at which such meeting is to be held, and the business to be transacted thereat, shall be sent to the members and posted up at the District Board Office. Such notice shall include in the case of a special meeting any motion or proposition mentioned in the written request made for such meeting.

(*c*) One-third of the whole number of members of the District Board shall form a quorum for transacting business at a meeting of the Board. If, at the time appointed for the meeting, or within half an hour thereafter, a quorum is not persent, the presiding authority shall adjourn the meeting to such hour on some future day as he may reasonably fix. He shall similarly adjourn the meeting at any time after it has begun if attention is drawn to the want of a quorum. At such adjourned meeting the business which would have been brought before the original meeting shall be transacted, whether there is a quorum present or not, provided that not less than five members are present.

(*d*) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the Board such as should be held in private, and provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

456

(e) Every meeting shall be presided over by the President, or, if he be absent, by the Vice-President, if any, and if both the President and Vice- President are absent or if the President be absent and there is no Vice-President, by such one of the members present as may be chosen by the meeting to be Chairman for the occasion.

(f) All questions shall, unless otherwise specially provided, be decided by a majority of votes of the members present and voting. The President, Vice-President, or Chairman, as the case may be, unless he refrains from voting, shall give his vote before declaring the number of votes for and against a question and then in case of equality of votes he shall give his casting vote.

(g) No member of a District Board shall vote on, or take part in, the discussion of any question coming up for consideration at a meeting of the Board or any Committee, if the question is one in which apart from its general application to the public, he has any direct or indirect pecuniary interest.

(h) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any member of the Board may be chosen or elected to preside at the meeting during the continuance of such discussion.

(i) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any quarterly meeting unless it has been entered in the notice convening such meeting or, in the case of a special meeting, in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(j) Any quarterly meeting may, with the consent of a majority of the members present, be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment tookplace.

(k) No resolution of a District Board shall be modified or cancelled within six months after the passing thereof, except by a resolution passed by not less than one-half of the whole number of members at a quarterly or special meeting, notice whereof shall have been given fulfilling the requirements of clause (b) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting the motion or proposition for the modification or cancellation of such resolution.

(3) Minutes shall be kept of the names of the members and of the Government Officers, if any, present under the provisions of Section 35 and of the proceedings at each meeting of the Board, and if any member present at the meeting so desire, of the names of the members voting, respectively, for or against any resolution, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the President, Vice President or Chairman of such meeting and shall at all reasonable times be open to inspection by any member of the Board or by any inhabitant of the District.

(4) A copy of every resolution passed by a District Board at a meeting shall, within ten days from the day of the meeting, be forwarded to Government through the Deputy Commissioner and the Government may pass such orders thereon as it may think proper.

(5) During any vacancy in a District Board or any Committee thereof, the continuing members may act as if no vacancy had occurred. Vacancy not to affect proceedings of Board or Committee.

30. (1) A member of a District Board may call the attention of the President to any neglect in the execution of the District Board work, to any waste of District Board property, or to the wants of any locality within the District Board area, and may suggest any improvements which may appear desirable. Interpellations and Resolutions.

(2) A member of a District Board may move resolution and interpellate the President on matters connected with the administration of the Board, subject to such rules as may be made by the Board.

(3) A District Board may, subject to such restrictions and conditions as may be imposed by the Government by rules made in this

behalf, pass and submit for the consideration of the Government, resolutions on questions connected with the administration of the District other than those coming within the purview of this Regulation.

Standing Committee.

31. (1) Every District Board shall appoint a Standing Committee consisting of the President, the Vice-President, if any, and other members of the Board. The total number of members of such Standing Committee shall not be more than seven and not less than five as the Board may determine.

(2) The Standing Committee shall perform the functions allotted to it under this Regulation, and subject to any limitations or other provisions contained in rules made under Section 99 or rules made under Section 29, sub-section (1), shall exercise all the powers and perform all the duties of the Board which have not been delegated to any other Committee.

(3) The President of the District Board and in his absence the Vice-President, shall be *ex-officio* Chairman of the Standing Committee.

Economic Committee.

32. (1) Every District Board shall, subject to such rules as may be framed by itself and the Government in this behalf, appoint a Committee from among its members to be called the Economic Committee, to deal with questions relating to the development of education, agriculture and industries and commerce within the District consisting of such number of members as may be determined by the Board.

(2) It shall be lawful for the District Board to appoint as additional members of the said Committee, any persons of either sex who are not members of the Board, but who may, in the opinion of the Board, posses special qualifications for serving on the Committee. Such persons may be appointed to the said Committee either during the term of the said Board or temporarily for the consideration of a particular subject or subjects.

Public Health Committee.

33. (1) Every District Board may appoint a Public Health Committee consisting of such members of the Board as the Board may elect. It may in addition appoint, for a term not exceeding its term of office, one or more of the following, namely, the District Medical Officer of the District, any Medical or Sanitary Officer of the Government, a legally qualified Medical Practitioner, to be a member or members of the said Committee.

(2) When a Public Health Committee is appointed under sub-section (1), it shall, subject to any limitations or other provisions contained in the rules made under Section 100 or under Section 29 (1), perform the duties and exercise the powers of the Board in regard to matters of Public Health and Sanitation and shall give effect to the provisions of this Regulation, and the bye-laws framed thereunder and may delegate any of its duties or powers to any member or honorary or stipendiary officer of the Board. Such member or officer shall conform to any instructions that may, from time to time, be given by the Board. The Committee may at any time withdraw any of the duties or powers so delegated.

Other Committees.

34. A District Board may appoint Committees consisting of such members as it may decide for any purpose other than those specified in Sections 31, 32 and 33 and may invest each Committee so appointed with such powers as may be necessary or expedient for the fulfilment of the purpose for which it is appointed; and every such Committee, shall cease to exist on completion of the specific purpose for which it is appointed or at such time as may be determined by the District Board.

Certain Government officers entitled to attend and speak and District Boards may require officers to furnish advice.

35. The Principal Sanitary Officer and the Principal Medical Officer of the District, the Senior Surgeon, Sanitary Commissioner, the Veterinary Superintendent and the Assistant Veterinary Superintendent, the Live Stock Expert, the Director of Agriculture, the Deputy Director and Assistant Director of Agriculture, the Director and Assistant Director of Industries, the Executive Engineer, the District Inspector of Schools and the Registrar and Assistant Registrar of Co-operative Societies shall, if they be not already members, be entitled to attend any meeting of a District Board or of any Committee thereof, and to address such Board or Committee on any matter under discussion affecting their respective departments and shall furnish their advice in such matters whenever desired by the Board or the Committee.

Mode of executing contract.

36. (1) The President of a District Board, may, on behalf of the Board, enter into any contract or agreement in such manner and form as according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf: Provided that the amount or value of such contract or agreement shall not exceed five hundred rupees.

(2) Every other contract or agreement on behalf of a District Board shall be in writing, and shall be signed by the President and by two other members of the Board, and sealed with the common seal of the Board.

(3) No contract or agreement not executed as in this section provided shall be binding on a District Board.

District Fund ordinarily liable for all costs and expenses incurred by Boards.

37. Except as is hereinafter otherwise provided, no member of a District Board shall be personally liable in respect of any contract or agreement made, for any expense incurred by, or on behalf of such Board; the District Fund at the disposal of each District Board shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses:

But members to be held responsible for misapplied or wasted funds and property.

Provided that every member of a District Board shall be personally liable for the misapplication of any money or other property of the Board, to which he has been a party or which has been caused or facilitated by his misconduct or gross neglect of his duty as a member and may be sued by the Board concerned with the sanction of the Government or by the Government for the recovery of or compensation for the misapplication of such money or property; and any money or property so recovered by the Government shall after satisfaction therefrom of the necessary expenses of such recovery, be delivered to the District Board.

Powers to compromise suits and claims.

38. (1) A District Board may compromise in respect of any suit instituted by or against it, or, in respect of any claim or demand arising out of any contract entered into by it under this Regulation, for such sum of money or other compensation as it shall deem sufficient:

Provided that, if any sanction in the making of any contract is required by this Regulation, the like previous sanction shall be obtained for compromising any claim or demand arising out of such contract.

(2) A District Board may make compensation out of the District Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it and its officers and servants under this Regulation.

Works to be executed by the Public Works Department.

39. (1) All public works requiring a degree of professional skill not at the disposal of the District Board shall, as a rule, be carried out by the Public Works Department unless specially ordered otherwise by the Government.

Works which may be executed by the Local Board Agency.

(2) All other works of the District Board shall be executed by such agency and subject to such supervision as the District Board thinks fit subject to the rules prescribed by the Government in this behalf:

Provided that any such work shall be executed by the Public Works Department in the manner prescribed in sub-section (1), if the Board communicates a desire to the effect.

Payments of expenses incurred by the Public Works Department.

(3) When any work is executed for a District Board by the Public Works Department, the expenses incurred on the work together with the charges for supervision and tools and plant at such rates as may be fixed by the Government shall unless waived by the Government be payble by the Board to the Public Works Department.

Joint Committee.

40. (1) A District Board may, from time to time, concur with any other District Board or with any Municipal Council or with more than one such Board or Council in appointing, out of their respective bodies, a Joint Committee for any purpose in respect of which they are jointly interested, and in delegating to any such Joint Committee any power which might be exercised by either or any of the Boards or Councils concerned, and in framing or modifying regulations, as to the proceedings of any such Joint Committee.

(2) If any dispute arises between two or more local authorities acting under this section, the decision thereon shall rest with the Government:

Provided that the Government may delegate its power under this section to such officer in such matters and to such extent as may be prescribed by rules framed in this behalf.

Acts of Boards, etc., not to be invalidated.

41. No act of a District Board, or of any Committee, or of any person acting as a member or as a President, Vice-President, or Chairman, shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee, President, Vice-President, Chairman or member, or on the ground that they, or any of them, were disqualified for such office, or that formal notice of the attention to hold a meeting of the Board or Committee was not duly given, or by reason of such act having been done during the period of any vacancy in the office of the President, Vice-President, or member of such Board or Committee, or for any other such informality.

CHAPTER IV.

PROPERTY AND DUTIES.

Power of District Board to acquire and hold property and to contract.

42. Subject to the rules or orders made by the Government in this behalf consistently with this Regulation, every District Board shall have power to acquire and hold property, both movable and immovable, whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any movable property which may have become vested in or been acquired by it and to contract and to do all other things necessary for the purposes of this Regulation.

Provided that no lease of immovable property for a term exceeding seven years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Government.

Provided also that nothing herein contained shall empower any District Board to raise loans except as provided for in Section 72 and without previous sanction of the Government.

Roads and other property of the old District and Taluk Boards to vest in the District Boards constituted under this Regulation.

43. All roads, bridges, channels, buildings and other property, movable or immovable, held by or under the control and administration of, and all institutions committed to the management of the District and Taluk Boards in each District for the purposes of the Mysore Local Boards and Village Panchayets Regulation, 1918, shall, for the purposes of this Regulation, be under the control, administration and management of the District Board of such District, subject to all rights, if any, existing over and all debts, liabilities and obligations, if any, affecting such properties and institutions, provided that nothing herein contained shall empower the District Board to exercise any authority or control over the properties and institutions whose administration devolves on the Village Panchayet constituted under the Mysore Village Panchayet Regulation.

Works constructed by District Board to be vested in it.

44. Every road, building or other work constructed by a District Board from the District Fund shall be vested in such Board except such portion of the road as may lie within the area of a Municipality.

Duties of the District Board.

45. (1) Every District Board shall, so far as the funds at its disposal will permit, and subject to such exceptions and conditions as the Government may from time to time make and impose, undertake the control and administration of, and be responsible for, the following matters within the area subject to its authority :—

(*a*) Construction, repair and maintenance of public roads and other means of communication which are not under the control of any other local body or of Government ;

(b) planting and preservation of trees on the sides of roads and on other public ground in its control ;

(*c*) establishment, management, maintenance and visiting of schools, hospitals, dispensaries, veterinary hospitals, markets, travellers' bungalows, musafirkhanas, rest-houses, and other public institutions, and the construction and repair of all buildings connected with these institutions ;

(*d*) construction and repair of public wells, tanks and water works which serve more than one Village Panchayet, supply of water from them and from other sources, and preservation from pollution of water for drinking and cooking purposes ;

(*e*) promotion of vaccination and the appointment and control of vaccinators ;

(*f*) measures necessary for the public health, sanitation and other local services affecting villages under different Panchayets and control of and sanitation during jatras or fairs and festivals ;

(*g*) management of such public ferries as may be entrusted to its charge ;

(*h*) development of the economic condition of the District with special reference to Education, Agriculture and Industries and Commerce ; institution, holding and management of fairs, cattle and agricultural shows and industrial exhibitions ;

(*i*) payment of travelling expenses of persons undergoing anti-rabic treatment subject to the general or special orders of the Government ;

(*j*) improvement of the breed of cattle ;

(*k*) maintenance of any building or other property vested in it under this Regulation ;

(*l*) with the previous sanction of the Government any public reception, ceremony or entertainment or exhibition ;

(m) the establishment and maintenance of relief and local relief works in time of famine or scarcity;

(n) any other local works or measures likely to promote the health, safety, comfort, convenience, interest or welfare of the public in the District.

(2) Any District Board may, at its discretion—

(a) provide for the registration of births and deaths within the District, subject to such conditions as the Government may impose in this behalf;

(b) with the sanction of the Government, either singly or in combination with the Government or any other District Board, construct and maintain within, or partly within and partly without the area under its authority, a railway or tramway and do all lawful acts which may be necessary in that behalf;

(c) with the sanction of the Government, from time to time guarantee the payment from the District Fund of such sums as it shall think fit as interest on capital expended on any railway, tramway, or other works which may directly improve the means of communications within the District or between the District and other Districts; and

(d) encourage and develop co-operative societies in the District.

District Board may with the consent of owners take over and repair works

46. A District Board may agree with the person in whom the property in any road, bridge, tank, ghat, well, channel or drain is vested to take over the property therein, and after such agreement may declare by notice in writing put up thereon or near thereto that such road, bridge, tank, ghat, well, channel or drain has been transferred to the District Board. Thereupon the property therein shall be vested in the District Board, and such road, bridge, tank, ghat, well, channel or drain shall thenceforth be repaired and maintained out of the District Fund.

Government may place roads and other property under District Board.

47. It shall be lawful for the Government from time to time to direct that any road, bridge, channel, building or other property, movable or immovable, which is vested in Government and which is situated within a District, shall, with the consent of the District Board of such District, and subject to such exceptions and conditions as the Government may make and impose, be placed under the control and administration of the District Board for the purposes of this Regulation; and thereupon such road, bridge, channel, building or other property shall be under the control and administration of the Board, subject to all exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.

Power of Government to resume property.

48. It shall be competent to the Government from time to time by notification to resume any property placed under the control of a District Board under section 47 on such terms as the Government may determine after consultation with the Board.

District Boards may undertake construction, repair and maintenance of Government buildings.

49. It shall be lawful for a District Board from time to time to undertake, on behalf of the Government and upon such conditions as may be agreed upon, the construction, repair and maintenance of any public building or other work which is the property of the Government.

Provided that the cost of such construction, repair and maintenance shall be defrayed by the Government.

CHAPTER V.

POWERS, OFFENCES AND PENALTIES.

Power to turn, divert, discontinue or close road.

50. A District Board may, with the sanction of the Government, turn, divert, discontinue or permanently close any road which is under the control and administration of, or is vested in, the District Board.

Power to permit temporary occupation or use of roads and lands vested in the Board.

51. Subject to the bye-laws made in this behalf the President of a District Board may permit the temporary occupation or use of any road or land vested in the Board, for the erection of pendals, or for any other lawful purpose.

Control of unwieldy traffic.

52. It shall be lawful for a District Board subject to such rules as may be prescribed by the Government in this behalf and to the bye-laws framed by the District Board, to notify that any road vested in it shall not be used by any vehicle (not being a motor vehicle duly licensed under the provisions of the Mysore Motor Vehicles Rules for the time being in force) of such form, construction, weight or size or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway, or to any construction thereon or risk or obstruction to other vehicles or to pedestrians, except under a license issued by the President and in accordance with the rules framed by the

Government from time to time as regards speed, time, fees, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions.

Establishment of ferries.

53. (1) A District Board may, subject to such rules as may be prescribed by the Government, establish public ferries for the conveyance of passengers, vehicles, animals and goods.

(2) It shall be lawful for the person in charge of a public ferry to refuse to carry any passenger, vehicle, animal or goods, if the proper fee is not paid on demand.

Markets, slaughterhouses, cart-stands and ferries.

54. (1) All markets, slaughterhouses and cart-stands constructed and maintained out of the District Funds, shall be deemed to be public markets, public slaughterhouses and public cart-stands, respectively, and no public market shall be opened by a District Board without the previous sanction of the Government.

(2) No person shall newly open a market, slaughterhouse, public cart-stand or public ferry or continue to keep open any such as may have been established prior to the commencement of this Regulation, unless he obtains from the District Board a license in writing to do so.

(3) No person shall sell or expose for sale any article or animal in any unlicensed market.

Use of premises for certain purposes to be made after obtaining licenses.

55. Subject to the provisions of the Village Panchayet Regulation, it shall be lawful for a District Board to notify that no place within the area under its authority shall, after sixty days from the date of such notification, be used for any one or more of the purposes specified in Schedule II without a license from the President of the Board and except in accordance with the conditions specified therein.

Licenses.

56. (1) All applications for licenses and permissions under this Regulation may be disposed of by the President of the District Board who may suspend or cancel a license granted for default of any of the conditions subject to which it was issued or given. When a license is granted, refused, suspended or cancelled by the President, any person aggrieved by his order shall have the right of appeal to the District Board within three months from the date of such order.

(2) A license under this Regulation shall be granted only on payment in advance of a fee at such rates as may be prescribed.

(3) Whoever keeps open or uses, without a license or after a license is suspended or cancelled, any place for any purpose for which a license is required under this Regulation, shall be punished, on conviction by a Magistrate, with fine which may extend to one hundred rupees. He may also be punished with further fine which may extend to twenty-five rupees for every day on which such act is continued after the date of conviction, or any subsequent date as may be fixed by the Magistrate.

District Board's power to make bye-laws.

57. (1) The District Board may, from time to time, and subject to such rules as may be prescribed by Government in this behalf and with the sanction of the Government, make bye-laws and cancel or alter the same so as not to be repugnant to any law in force—

(*a*) for the general or special regulation, inspection, and control of musafirkhanas, travellers' bungalows, rest-houses, cart-stands, markets, slaughterhouses, hotels, bakeries, sweetmeat shops, all other places used for the sale of articles intended for human food or drink, all places used for animals which are for sale or hire or the produce of which is sold and all places used for the purposes specified in Schedule II and for regulating the conduct of business in any of the places aforesaid so as to secure cleanliness therein and the wholesomeness of the articles prepared, kept or sold or to minimise any injurious, offensive or dangerous effects arising or likely to arise therefrom;

(*b*) (i) for regulating all matters connected with sanitation;

(ii) for empowering the President or any person authorised by the Board to enter and to inspect any building or land and to require that it shall be kept in a sanitary condition;

(*c*) (i) for regulating the use of and the prevention of nuisances in regard to public water-supply, bathing and washing places, streams, channels, tanks and wells;

(ii) for requiring private sources of water-supply used by the public or any section of the public to be kept in good repair, improved or protected from pollution and for payment from the District Fund of a portion or the whole of the expenses incurred for the purpose;

(iii) for setting apart, with the consent of the owner in the case of private sources of water-supply, and of the Government in the case of those under the control of the Government, for a specified purpose, springs, tanks, wells, water courses and other places, and prohibiting their use for any other purpose or purposes;

459

(d) (i) for regulating prevention of the nuisances affecting the health, safety or convenience of the public;

(ii) for requiring that any pool, ditch, tank, pond, well, hole, or any waste or stagnant water, any channel or receptacle of foul water or other offensive or injurious matter which is likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood be cleansed, filled up, drained off or removed or proper measures be taken to abate or remove the nuisance;

(e) (i) for regulating the prevention and spread of dangerous diseases;

(ii) for prohibiting the use of any source of water-supply, whether private or public, during epidemics;

(iii) providing for the inspection of persons travelling by railway or otherwise, and the segregation in a hospital or any other place set apart for the purpose, of persons suspected of being infected with any epidemic disease, or for such other measures as may be deemed necessary to prevent the outbreak of such disease or the spread thereof;

(iv) for empowering the President or any person duly appointed by the Board to enter into any building or premises in which any dangerous infectious disease is reported or suspected to exist, to require the owner or occupier of such building or premises to cleanse or disinfect the same or, where immediate action is necessary, to have such building or premises cleansed or disinfected and to recover the whole or any part of the expenses so incurred from such owner or occupier or to remit the same in deserving cases;

(v) for requiring that articles of clothing or bedding or other articles exposed to infection from dangerous infectious diseases be washed or disinfected at places notified by the District Board; and for destroying such articles as are likely to retain infection and paying compensation for articles so destroyed;

(f) for regulating the use of public roads and the traffic thereon; for the temporary occupation or use of public roads and lands vested in the Board; and for securing cleanliness, safety and order in respect of the same;

(g) for defining the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which any license or permission under this Regulation may be granted, refused, suspended or withdrawn and fixing the fees payable in respect of such permission and the rents, fees and other charges to be levied for the use of any of the places specified in clause (a) or other property belonging to the District Board;

(h) for providing for—

(i) the establishment of public ferries and their management;

(ii) the issue of permission for plying ferry boats, the conditions on or subject to which such permission may be granted and the fees payable in respect of such permission;

(iii) the rates of fees that may be levied on passengers vehicles, animals, goods or the loads that may be carried in any public ferry boat;

(iv) the safe, speedy, and convenient carriage and landing of passengers and property;

(v) the maintenance of ferry boats in good order and the employment of competent men for working them;

(vi) the inspection of the ferries and the ferry boats; and

(vii) otherwise for the due discharge of their duty by farmers and ferrymen and other persons employed at a public ferry; and

(i) generally for carrying out the purposes of this Regulation.

(2) Any person infringing any bye-laws made under this Regulation shall, on conviction before a Magistrate, be punished with fine not exceeding fifty rupees for each offence, and in case of a continuing offence, with a further fine not exceeding ten rupees for each day after written notice of the offence by the District Board.

District Board may Prosecute.

58. A District Board, or any Officer or Committee of the Board authorised by the Board, may direct any prosecution for any public nuisance, whatever, and may order proceedings to be taken for the recovery of any penalty, and for the punishment of any persons offending against the provisions of this Regulation, or of any bye-law thereunder, and may order the expenses of such prosecution or other proceedings to be paid out of the District Fund:

Provided that no prosecution for an offence under this Regulation or of any bye-law thereunder shall be instituted except within six months next after the commission of such offence.

Jurisdiction of Magistrates

59. Any prosecution under this Regulation or under any bye-law thereunder may be instituted before any Magistrate and every fine or penalty imposed under or by virtue of this Regulation or any bye-law thereunder and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Regulation may be recovered, on application to such Magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

Power to compromise and compound offences.

60. (1) A District Board may—

(*a*) compromise with any person who in the opinion of the District Board has committed an offence punishable under this Regulation or any bye-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence.

(*b*) withdraw from prosecutions instituted under this Regulation or under any bye-law thereunder.

(*c*) compound any offence against this Regulation or any bye-law made thereunder, which, may, by rules made by the Government, be declared compoundable.

Provided that the Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section.

(2) Sums paid by way of composition under this section shall be credited to the District Fund.

Damage to any District Board property how made good.

61. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Regulation, any damage to the property of any District Board shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty, and the value of the damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted. Such value shall be recoverable in the manner provided under Chapter VII.

CHAPTER VI.

FINANCE.

District Fund, its custody and investment.

62. (1) There shall be in each district a fund which shall be called the District Fund, and be administered by the District Board of the District.

(2) It shall be lawful for a District Board to deposit at interest with the Mysore Government Savings Bank or with the sanction of the Government in any Bank in Mysore, any surplus funds in its hands which may not be required for current charges and with the like sanction invest such funds in securities of the Government of India or of the Government of Mysore or such other securities as the Government may, from time to time, approve in this behalf, and vary, such investment or dispose of such securities with the like sanction.

(3) The District Fund over and above what is invested as provided for in sub-section (2), shall be kept in the Government Treasury of the district.

Constitution of District Fund.

63. The following shall form part of, or be paid into the District Fund—

(*i*) the balance of the District Fund and the whole or such portion of the Taluk Funds at the commencement of this Regulation as the Government may direct in this behalf;

(*ii*) such portion of the local cess on land revenue and of other local rates levied or leviable by the Government as may be assigned from time to time for expenditure by the District Board;

(*iii*) all rates, cesses, tolls, fees and penalties paid to or levied by or on behalf of the District Board under this Regulation and all fines imposed by a Magistrate under this Regulation or the bye-laws framed thereunder;

(*iv*) all rents from lands or other properties of the District Board;

(*v*) all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise;

(*vi*) all proceeds of land and other property sold by the District Board including sale proceeds of grass and of the produce of trees not vested in private individuals on the sides of roads and on other public ground under the control and administration of the District Board and of timber fallen or felled therefrom; and

(*vii*) all sums received by or on behalf of the District Board by virtue of this or any other Regulation.

District Board property and District Fund how to be applied.

64. All property vested in the District Board under this Regulation and all funds received by it in accordance with the provisions of this Regulation and all sums accruing to it under the provisions of any law for the time being in force, shall be applied for expenditure as provided for in this Regulation:

Provided that all sums made over to or realised by a District Board for any specific purpose shall be applied solely for that purpose.

District Fund where to be expended.

65. Expenditure by a District Board out of the District Fund shall, save as otherwise provided by this Regulation, be made within the area subject to its authority only, but may, with the sanction of the Government, be made outside that area for any of the purposes mentioned in this Regulation.

But nothing herein contained shall be deemed to require the special sanction of the Government for payment of the following charges:—

(*a*) for audit of accounts of the District Boards;

(*b*) for the payment of travelling allowances of persons undergoing anti-rabic treatment at rates approved by the Government;

(*c*) for other charges expressly required or authorised to be incurred from the District Fund by any law in force or rule or order made by the Government in conformity with the provisions of this Regulation.

Tolls

66. (1) Subject to the rules prescribed by the Government in this behalf, a District Board may levy tolls on carts, carriages, vehicles or animals at toll gates or stations established along roads and bridges vested in it, at rates sanctioned by the Government in each case not exceeding those specified in Schedule III.

(2) A District Board may compound with any person for a sum to be paid annually or half-yearly in lieu of all such tolls either generally or in respect of all roads and bridges in the district vested in the District Board or specially in respect of any particular road or bridge in the district and may issue passes to such person in respect of his carts, carriages, vehicles and animals provided that such composition shall include all the carts, carriages, vehicles and animals possessed by the person so compounding.

(3) The District Board may, with the previous sanction of the Government, declare that payment of tolls on carts, carriages, vehicles or animals at any toll gate or station or bridge, whether within or without Mysore, shall clear such carts, carriages, vehicles or animals at any other toll gate or station or bridge.

(4) Exemptions from payment of tolls shall be regulated by the rules prescribed by the Government in this behalf.

(5) No more than one payment of toll under this Regulation shall be demanded at any toll gate, station, or bridge in a district in respect of any carts, carriages, vehicles or animals in any one period of 24 hours counted from sunrise to sunrise. Provided that when toll has been paid at any toll gate, station, or bridge in respect of any carts, carriages, vehicles or animales not laden or ridden, the difference between such toll and the toll payable in respect of such carts, carriages, vehicles or animals laden or ridden, shall be payable, if such carriages, carts, vehicles or animals again pass through such toll gate, station or bridge, laden or ridden within such period.

(6) Any toll contractor or lessee of a toll gate or station or any person employed by the District Board or authorised by the lessee to collect the tolls may refuse to allow any person liable to the payment of the same, to pass through such toll gate or station, until the proper toll has been paid.

(7) Any person, who being liable to the payment of toll under this Regulation, fraudulently or forcibly passes any toll gate or station without paying the proper toll, or obstructs the person authorised to collect toll in the discharge of his duties, shall be liable, on conviction before a Magistrate, to a fine not exceeding Rs. 50.

(8) Whoever, not being duly authorised to collect tolls, levies or demands any toll on any public road or bridge, or whoever, duly authorised to collect tolls, demands or levies more than the rates authorised, shall be liable, on conviction before a Magistrate, to a fine not exceeding Rs. 200 or to simple or rigorous imprisonment not exceeding six months.

(9) If a person refuses to pay any toll on demand and passes through a toll-gate or station, the person duly authorised to collect the same may seize any of the carts, carriages, vehicles or animals on which it is chargeable or any part of their burden of sufficient value to defray the toll.

(10) If any toll remains undischarged for 24 hours after any property has been seized under sub-section (9), it shall, after 24 hours' notice, exclusive of Sunday or any close holidays, be sold by the President or a person duly authorised, by public auction for the discharge of the tolls, and all expenses occasioned by such non-payment, seizure and sale and the balance, if any, returned on demand to the owner of the property, provided that if at any time before the sale is concluded tender is made of the amount of all the expenses incurred and of the toll payable, the property seized shall forthwith be released.

(11) In all cases of resistance to the lawful authority of the persons authorised to collect tolls, all police officers shall assist when required and, for this purpose, shall have the same power which they have in the execution of their ordinary police duties.

(12) A table of the tolls authorised to be taken at any toll gate or station under this section with a statement of the penalties on refusing to pay the same, legibly written in English and Kannada, shall be put up in a conspicuous place near such gate or station. It shall be the duty of the person in charge of such gate or station to keep such table in a proper and legible condition. When the table of tolls is not so put up at any toll gate or station, no toll shall be levied thereat during such time.

District Board to levy education cess.

67. Every District Board shall levy an education cess at a rate not less than six pies, but not exceeding one anna in the rupee on all items of revenue on which local cess is levied to be utilised solely for purposes of education in the district.

Power of District Board to levy Railway cess.

68. The District Board may levy, with the previous sanction of the Government and subject to such rules as may be framed by the Government in this behalf, a railway cess not exceeding six pies in the rupee on all items of revenue on which local cess is levied, to be utilised solely in the construction of tramways and railways or for guaranteeing the payment of interest on capital *expended* on any railway, tramway or other works which may directly improve the means of communications within the district or between the district and other districts.

Power to levy any other cess.

69. A District Board may levy, with the previous sanction of the Government and subject to such rules as may be made by the Government in this behalf, a special cess for carrying out any of the duties imposed on it by sub-section (1) of Section 45.

Rents and Fees.

70. Subject to the bye-laws made in this behalf, a District Board may charge fees for any permission issued under this Regulation, and levy rents and fees for the occupation or use of any road, land or other property placed under its control or vested in it or maintained out of the District Fund.

Agency for Collection.

71. The local cess, the railway cess and the education cess shall be collected by the Departmental Government Officers or establishments concerned, along with the principal items of revenue on which the cess is leviable. All other items of revenue shall be collected by such agency as the District Board appoints in this behalf with the approval of the Government, provided that it shall be lawful for a District Board to lease the right to levy tolls or any fee that may be imposed under this Regulation by public auction, subject to the rules prescribed, and the amount due under such lease shall be recoverable in the manner provided under Chapter VII.

District Board may raise loans and may form a sinking fund.

72. It shall be lawful for a District Board, with the previous sanction of the Government and subject to the conditions imposed by it, from time to time, to raise loans for constructing a railway or tramway or for the execution of any work or for the purpose of carrying out any of the provisions of this Regulation, and to form a sinking fund for the repayment of such loans.

Grant of loans to encourage local arts and industries.

73. Subject to the rules that may be made by the Government from time to time, a District Board may grant loans from the District Fund to encourage local arts and industries and recover the same in the manner provided in Chapter VII.

Contribution to expenditure incurred by the Government and power to make grant-in-aid.

74. Subject to the previous sanction of the Government, a District Board may make grants-in-aid to any medical, educational or charitable institutions or any other institution of public utility, within or without the area under its authority, whether it be under public or private management.

Arrangements purporting to be binding permanently or for a term of years.

75. When a District Board has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any institution a yearly contribution from its property or from the District Fund, it

shall be lawful for the District Board or its successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue or to diminish such contribution, provided that it shall have given at least one year's notice of its intention so to do to the manager or managers of such institution.

Annual estimates of income and expenditure.

76. (1) Every District Board shall, on or before the prescribed day in each year, hold a meeting at which the Standing Committee shall submit to the Board, in such form as the Government may, from time to time, by rule prescribe, an estimate of the income and expenditure of the Board for the next official year.

(2) The District Board shall consider the estimate and may approve of it with or without modification.

(3) The District Board shall, on or before the prescribed day, cause a copy of the estimate as approved by it to be sent to Government through the Deputy Commissioner who shall forward a copy of his remarks, if any, to the District Board and it shall be competent to the Government to sanction the estimate with such modification, if any, as it deems fit.

(4) The District Board may sanction transfer of funds from any one major or minor head in the budget to any other major or minor head by a re-appropriation of an allotment sanctioned in the budget.

(5) No expenditure which is not provided for in the estimate as approved or modified by the Government shall be incurred during the year to which the estimate relates, without the previous sanction of the Government obtained on one or more supplemental estimates.

Annual accounts and audit.

77. Accounts of all the receipts and expenditure of every District Board shall be made up to the last day of every official year, in such form as the Government may, from time to time, prescribe, and shall be examined and audited as soon as may be, after the end of each official year by such persons as the Government may, from time to time, appoint in this behalf.

Inspections of estimates and accounts.

78. The District Board shall cause a copy of every estimate approved under Section 76 and of every account made up under Section 77 to be kept at its office; and any person may at all reasonable times inspect any such estimate or account.

Submission of abstract of accounts to the Government.

79. An abstract of every annual account of a District Board, showing its income under each head of receipts, the charges for establishment, the works undertaken, the sums expended on each work, and of its assets and liabilities, shall be prepared by the District Board and submitted to the Government.

CHAPTER VII.

RECOVERY OF DUES.

Notice of demand for fee, cess or other dues.

80. (1) When any sum not being a toll payable on demand—

(*a*) which by or under the provisions of this Regulation, is declared to be recoverable in the manner provided by this Chapter, or

(*b*) which is claimable as a fee, cess or other due under this Regulation or any rule or bye-law thereunder, shall have become payable and remain unpaid ten days after the same is due, the President of the District Board, or some person duly authorised by the President in writing in this behalf may serve upon the person or persons liable to pay such sum, a notice in writing, in a form to be prescribed by the rules framed in this behalf.

Distress.

(2) If such person does not within fifteen days from the service of such notice of demand upon him pay the sum due, or show cause to the satisfaction of the President, why the same, should not be paid, the President or other person duly authorised by the President in writing in this behalf, may levy such sum, with all costs, by distraint and sale of the movable property of the defaulter.

Warrant for distraint.

81. In order to effect the distraint and sale of property under sub-section (2) of Section 80, the President or other officer duly empowered by him in this behalf shall issue a warrant in the form to be prescribed by rules and for each such warrant, a warrant fee of two annas shall be leviable.

Inventory, sale.

82. The President or other person duly authorised as aforesaid shall make an inventory of the property distrained, a copy of which shall, on demand, be delivered to the defaulter or any person on his behalf, and if the amount due is not paid within fifteen days after distraint, the property may be sold.

Receipts to be given for all payments of fees, etc.

83. The President of the District Board shall give or cause to be given to every person making payment of a toll, fee, cess or other dues, a receipt therefor signed by him or some person duly authorised by him in that behalf. Such receipt shall specify—

(1) the date of the grant thereof,
(2) the name of the person by whom it is granted,
(3) the toll, fee, cess or other dues in respect of which the payment has been made,
(4) the period for which the payment has been made, and
(5) the amount in respect of which it is granted.

Conditions of distraint and sale.

84. (1) Whenever, under the provisions of this Regulation, any property is distrained, seized or sold in consequence of the non-payment of any fee, cess or other dues, not being a toll, such distraint, seizure and sale shall be effected subject to the provisions of the following sub-sections and of Section 62 of the Code of Civil Procedure.

Exemption from distraint and sale.

(2) All such property as is by the Civil Procedure Code exempted from attachment or sale in execution of a decree shall be exempt from distraint or sale under this section.

Limit of distraint.

(3) The distress shall not be excessive, that is to say, the property distrained shall be, as nearly as possible, proportionate to the amount due on account of the fee, cess or other dues and distraint fee and the probable expenses incidental to the detention and sale of the said property.

Perishable property.

(4) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody and the amount due will exceed its value, the person seizing the property shall at once, after seizure of such property, give notice to the person in whose possession it was when seized to the effect that it will be sold at once, and shall sell it accordingly unless the amount due be forthwith paid.

Surplus sale proceeds.

(5) Any surplus that may remain after deducting the amount of the fees, cesses or dues and of the said expenses, including the expenses of the sale, shall be returned on demand if made within six months to the owner of the property, or if no demand be made within such period, shall be credited to the District Fund.

Claims to distrained property how to be disposed of.

(6). If any claim shall be set up by a third person to movable property distrained under the provisions of this chapter, the President shall admit or reject the claim on a summary enquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposable as hereinbefore directed.

Provided that nothing in this sub-section shall be deemed to bar the claimant or any person having any interest in the property distrained, from seeking relief in a Civil Court having jurisdiction.

Recovery of arrears at the Commencement of the Regulation.

85. All arrears of fees, cesses and other sums due to a District Board or Taluk Board at the time of the commencement of this Regulation may be recovered by the District Board having authority over the District as though they had accrued under this Regulation.

Recovery of amount due by suit not precluded.

86. Nothing herein contained shall preclude the institution of a suit for any amount due under this Regulation.

87. No distraint shall be made and no suit shall be instituted in respect of any sum due to the District Board under this Regulation other than cesses collected under Section 71, after the expiration of a period of three years from the date on which such distraint might have been made or suit might have been instituted, as the case may be, in respect of such sum.

CHAPTER VIII.

OFFICERS AND SERVANTS OF DISTRICT BOARDS.

District Board may appoint Chief Officer, Health Officer and Engineer.

88. (1) Any District Board may, with the sanction of the Government, appoint a Chief Officer, a Health Officer and an Engineer or any one or more of such officers, or appoint one person, whether temporarily or permanently, to discharge the duties of any two or of all such offices and pay such salaries to him or them as the Government, having regard to the financial condition of the District Board, may direct.

(2). Subject to such rules, if any, as may be framed by the Government from time to time, all such officers of the District Board shall be subordinate to the District Board. No such officer shall be removable from office except with the previous sanction of the Government.

(3) When a Chief Officer is appointed, all other officers and servants employed by the District Board, save such as are excepted by order of the Government from time to time, shall be subordinate to him.

(4) The Chief Officer of a District Board shall exercise the powers delegated to him by the District Board in addition to the powers that may be conferred on him by such rules as may be framed by the Government in this behalf.

(5) The Chief Officer may, with the permission of the President, or in virtue of a resolution passed in this behalf at any meeting of the District Board or of any Committee, make an explanation in regard to any subject under discussion at such meeting, but shall not vote upon or move any proposition at such meeting.

Other Officers and servants.

89. Every District Board shall employ such other officers and servants as may be necessary and proper for the efficient execution of its duties and shall assign to them such pay, allowances, gratuities and pensions as the Government may direct.

Service Regulations.

90. The recruitment, pay, leave, punishment, transfer, pensions, gratuities and other matters relating to the officers and servants of District Boards shall be regulated by the Mysore Service Regulations and the special or general orders and rules made by the Government in this behalf.

CHAPTER IX.

CONTROL AND MISCELLANEOUS.

Government's power to amend proceedings of District Boards.

91. The Government may, by order in writing, amend any proceedings or resolution of a District Board which it considers to be not in conformity with the provisions of this Regulation and the rules or bye-laws in force thereunder, and may do all things necessary to secure such conformity.

Inspection of offices of District Boards.

92. Subject to such rules as the Government may frame from time to time in this behalf, the Deputy Commissioner of a District shall have power.—

(*a*) to inspect the office of the District Board or Boards in the District,

(*b*) to call for records of the District Board or Boards in the District either on his own motion or on the application of an aggrieved party and to submit the same with his opinion to the Government for such orders as it may deem fit to pass, if he is satisfied that the order or proceeding of the District Board or its executive is contrary to law.

Deputy Commissioner's power of supervision.

93. (1) The Deputy Commissioner of the District shall have power to supervise the proceedings of the District Board or Boards and of the several Committees in the District, and in the exercise of that power may (among other things)

(*a*) enter on and inspect or cause to be entered on and inspected, any immovable property occupied by the District Board or a Committee, or any work in progress under its direction; and

(*b*) call for and inspect, for the purposes of this Regulation any document which may be in the possession, or under the control, of a District Board or a Committee in the District; and

(*c*) require the District Board or a Committee to furnish such statements, accounts and reports as he thinks fit.

(2) Where a Joint Committee is appointed by the District Boards of two or more Districts, the Deputy Commissioner of any of those Districts may exercise a like power in respect of the proceedings of that Committee; but if any difference arises between two or more Deputy Commissioners acting under this sub-section, it shall be referred to the Government, for its decision.

power to suspend execution orders, etc.

94. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a District Board or a Committee, or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this

Regulation, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may, by order in writing, suspend the execution or prohibit the doing thereof within his District.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government a copy of the order, with a statement of the reasons for making it, and it shall be in the discretion of the Government, after affording the Board reasonable opportunities for stating its case, to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

Extraordinary powers of Deputy Commissioner in cases of emergency.

95. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a District Board is empowered to execute or do under sub-section (1) of section 45, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute, or to do it, shall be forthwith paid by the District Board.

(2) If the expense and the remuneration are not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the District Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

(3) The Deputy Commissioner shall forthwith report to the Government every case in which he exercises the powers given to him by this section and on receiving such report the Government may pass such orders as it deems fit.

Power to provide for performance of duties in default of District Board.

96. (1) When Government is informed on complaint made or otherwise that a District Board has made default in performing any duty imposed on it by or under this Regulation, the Government, if satisfied after due enquiry that the District Board has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the District Board.

(3) If the expense and the remuneration are not so paid, the Government may make an order directing the person having the custody of the balance of the District Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

Power to supersede District Board in case of incompetency, default or abuse of powers.

97. (1) If a District Board is not competent to perform, or, persistently makes default in the performance of, the duties imposed on it by or under this Regulation or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it, in the official gazette, declare the District Board to be incompetent, or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

Consequences of supersession of District board.

(2) When a District Board is so superseded, the following consequences shall ensue :—

(*a*) all members of the District Board shall, as from the date of the order, vacate their office as such members ;

(*b*) all powers and duties of the District Board may, during the period of supersession, be exercised and performed by such person or persons as the Government, from time to time, appoints in that behalf ;

(*c*) all property vested in the District Board shall, during the period of supersession, vest in the Government subject to all rights over and all debts, liabilities and obligations, if any, affecting that property.

(3) On the expiration of the period of supersession specified in the order, the District Board shall be re-established by appointment or election, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified for appointment or election.

Disputes

98. If any dispute, for the decision of which this Regulation does not otherwise provide, arises between two or more District Boards, or between a District Board and one or more Municipal Councils, the matter shall be referred to the Government whose decision shall be final.

99. In all matters connected with this Regulation, the Government and each Deputy Commissioner shall respectively have and exercise the same authority and control over the Deputy Commissioners and their subordinates as it or he has and exercises over them in the general and revenue administration. Powers of Government and of the Deputy Commissioners over subordinates.

100. (1) The Government may make rules or orders to carry out all or any of the purposes of this Regulation not inconsistent therewith and prescribe forms for any proceeding for which it considers that a form should be provided. Power to make rules or orders.

(2) In particular and without prejudice to the generality of the foregoing power, it shall have power to make rules or orders,—

(*a*) with reference to all matters expressly required or allowed by this Regulation to be prescribed,

(*b*) with reference to all matters relating to election or appointment of members, the election of Presidents and Vice-Presidents, and the constitution of District Boards,

(*c*) with respect to the conduct of business of District Boards and Committees,

(*d*) as to the remuneration and allowances, if any, of members, Presidents and Vice-Presidents; the conditions under which and the rates at which payment of travelling expenses shall be made,

(*e*) as to delegation of powers to Presidents, Vice-Presidents or other officers or members or Committees,

(*f*) as to the submission of resolutions on questions connected with the administration of the District,

(*g*) as to the intermediate offices, if any, through which correspondence between District Boards and the Government or Government officers shall pass,

(*h*) as to the conditions on which property may be acquired or transferred by District Boards,

(*i*) as to the mode of payment from the District Fund and the authority under which District Fund shall be expended,

(*j*) as to the conditions on which grants-in-aid shall be paid from the District Fund,

(*k*) as to the raising of loans by District Boards and the grant of loans for the encouragement of local arts and industries,

(*l*) as to the levy of tolls, fees and cesses, remissions and exemptions to be granted and the writing off of irrecoverable arrears,

(*m*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of District Boards and the power of the District Boards or the Government officers to accord professional or administrative sanction to estimates,

(*n*) as to the accounts to be kept by District Boards, the manner in which such accounts shall be audited and the appointment and payment of auditors,

(*o*) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by District Boards,

(*p*) as to the mode in which the officers of Government shall advise and assist District Boards in carrying out the purposes of this Regulation,

(*q*) As to the recruitment of officials and their qualifications and with regard to control, transfer, punishment or dismissal of officers and servants of District Boards and with regard to the pay, leave, pension and other privileges of such employees, and

(*r*) as to the guidance generally of District Boards, Committees, Joint Committees, and Government officers in all matters connected with the administration of this Regulation and not therein specially provided for.

101. The Government may, subject to the approval of the Legislative council by a resolution recorded in that behalf, alter, add to or cancel any of the schedules of this Regulation and such alteration, addition or cancellation when published in the official gazette shall have the force of law and all references in this Regulation to any of the aforesaid schedules shall be construed as referring to such schedules as for the time being amended in exercise of the power conferred by this section. Power of Government to amend, add to or cancel schedules.

102. (1) If the circumstances of any District or part of a District are in the opinion of the Government such that any of the provisions of this Regulation are unsuited thereto, the Government may, by a notification in the official gazette, exempt the District or part of the District from the operation of those provisions and thereupon those provisions shall not apply to the exempted District or part of the District until again applied thereto by a subsequent notification of the Government. Power under special circumstances to exempt District from operation of Regulation.

Power to make rules in relation to notification under sub-section (1).

(2) While any notification under the former part of sub-section (1) of this section is in force, the Government may make rules to provide for any matter dealt with by the provisions of this Regulation to which the notification applies. Such rules, when published in the official gazette, shall have the force of law.

Publication of rules.

103. All rules made by the Government under this Regulation shall be published in the official gazette both in English and Kannada.

Penalty for member, officer or servant of a District Board having an interest in any contract, etc., with that Board.

104. If any member of a District Board or any officer or servant maintained by or employed under a District Board has directly or indirectly any share or interest in any work done by order of the Board of which he is a member or by which he is maintained or under which he is employed or in any contract with or under such Board, he shall be liable on conviction before a Magistrate to a fine not exceeding rupees five hundred.

Provided that no person shall be convicted under this section by reason only of such person—

(*a*) having a share in any Joint Stock Company or a share or interest in any literary association registered under the Societies Registration Regulation, 1904, or in any society registered under the Mysore Co-operative Societies Regulation, which shall contract with or be employed by or on behalf of the District Board, or

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the District Board may be inserted, or

(*c*) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the District Board, or

(*d*) being professionally engaged on behalf of the District Board as a Legal Practitioner.

Members, etc., of District Boards to be public servants.

105 Every member of a District Board and every officer and servant maintained by or employed under a District Board shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

Restrictions with respect to actions against District Board.

106 No action shall be brought against any District Board, or any of its officers, or any person acting under its direction, for anything done or purporting to be done under this Regulation, until the expiration of two moths next after notice in writing shall have been delivered or left at the office of the Board or at the place of abode of such person; such notice shall state the cause of action, the relief sought, the amount of compensation, if any, claimed and the name and the place of abode of the intending plaintiff.

And every such action shall unless it is an action for the recovery of immovable property or for a declaration of title thereto, be commenced within six months next after the accrual of the cause of action and not afterwards.

Acquisition of land.

107. Where any land is required for the purpose of this Regulation, the Government may, at the request of the District Board, proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894; and on payment by the District Board of the compensation awarded under that Regulation and the charges incurred by the Government in connection with the proceedings, the land shall vest in the District Board.

Obstructions and encroachments upon public streets and open spaces.

108. (1) Whoever shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandha, platform, plinth, step, or any projecting structure, or thing, or other encroachment or obstruction, in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer or aqueduct in such street, shall, on conviction by a Magistrate, be punished with fine which may extend to Rs. 25.

(2) The District Board shall have power to remove any such obstruction or encroachment, and shall have the like power to remove unauthorised obstruction or encroachment of the like nature in any open space vested in or under the control of the District Board, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the manner provided in Chapter VII.

Transitory provision.

109. It shall be competent to the Government to declare that any District Board established under the Mysore Local Boards and Village Panchayets Regulation, 1918, and existing immediately prior to the commencement of this Regulation in the district, shall be deemed to be a District Board established under this Regulation and shall exercise all the powers of a District Board under this Regulation until such date as the Government shall fix in this behalf. The

President, Vice-President and members of such District Board as constituted immediately prior to the commencement of this Regulation shall then be deemed to have been appointed or elected under the provisions of this Regulation and their term of office shall expire on the aforesaid date fixed by the Government.

SCHEDULE I.

QUALIFICATIONS FOR VOTERS IN A GENERAL CONSTITUENCY.

(See Section 9.)

(1) A person shall be qualified as a voter in a general constituency who—

(i) is the registered occupant of land situated in the constituency and assessed to land revenue of not less than Rs. 25 per annum payable to the Government; or

(ii) is a Kadim tenant assessed to an annual rent of not less than Rs. 25 per annum on account of land held by him in the constituency to the holder of an alienated village to which the provisions of Chapters VIII to X of the Land Revenue Code have been applied: or

(iii) is assessed to an annual tax on buildings or shops of not less than Rs. 5 in the constituency, or

(iv) is the owner of alienated lands which would be assessed, if they were not alienated, to the land revenue at not less than Rs. 25 per annum; or

(v) is a Graduate of a University and ordinarily resides in the constituency; or

(vi) is a retired and pensioned officer (whether commissioned or non-commissioned) of the Mysore State Troops and resides in the constituency; or

(vii) is assessed to income-tax to the Government and resides in the constituency.

(2) If property is held or payments are made jointly by the members of a joint family or partnership, the family or partnership shall be adopted as a unit for deciding whether the qualification exists; and the vote shall be exercised, in the case of a Hindu Joint Family by the manager thereof, or the member authorised by a majority of the family, and in other cases by the member or partner authorised in that behalf by a majority of the family or partnership concerned.

Explanation.—"Partnership" includes a company, firm, association, body of two or more guardians or trustees or the joint pattadars or other body possessing joint rights.

SCHEDULE II.

PURPOSES FOR WHICH PREMISES MAY NOT BE USED WITHOUT A LICENSE.

(See Section 55.)

(*a*) As a shop for sale of animals intended for human food or of meat or of fish;

(*b*) as a dairy, hotel, restaurant, eating-house, coffee house, sweetmeat shop, bakery, boarding house or logding house, (other than a students' hostel under public or recognised control), or for manufacturing ice or ærated waters;

(*c*) for any of the purposes mentioned hereunder—

(1) for boiling or storing offal, blood, bones or rags,
(2) for salting, curing and storing fish,
(3) for storing hides, horns, skins or organic mannure,
(4) for tanning,
(5) for the manufacture of leather or leather goods,
(6) for dyeing,
(7) for melting tallow or sulphur,
(8) for washing or drying wool or hair,
(9) as a brick, pottery or lime kiln,
(10) for soap-making,
(11) for boiling, pressing, cleansing, preparing or manufacturing, by any process whatever, oil (edible or non-edible),
(12) as a manufactory of sago,
(13) as a distillery,

(14) for storing hay, straw, fodder, wood, coal or other combustible material,

(15) as a manufactory or place of business of any other kind from which offensive or unwholesome smells, fumes or dust arise or which may involve risk of fire.

SCHEDULE III.

Maximum rates of tolls.

(See Section 66.)

		Rs.	a.	p.
1.	On every motor bus as defined in the Motor Vehicles Rules, ...	2	0	0
2.	On every motor car	1	0	0
3.	On every motor tricycle or bicyle	0	4	0
4.	On every other vehicle of any description propelled by steam or other motor power ...	1	0	0
5.	On every four-wheeled carriage	0	12	0
6.	On every two-wheeled carriage on springs other than a jutka or ekka	0	8	0
7.	On every ekka or jutka, laden	0	4	0
8.	On every ekka or jutka, unladen	0	2	0
9.	On every other vehicle with springs including tricycle and bicycle	0	2	0
10.	On every cart or other vehicle not on springs drawn by 8 bullocks, buffaloes, horses, ponies, asses or mules, if laden	1	0	0
11.	On every cart or other vehicle not on springs drawn by 8 bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	8	0
12.	On every cart or other vehicle not on springs drawn by 6 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	8	0
13.	On every cart or other vehicle not on springs drawn by 6 bullocks, buffaloes, horses, ponies, asses or mules, if not laden	0	4	0
14.	On every cart or other vehicle not on springs drawn by 4 bullocks, horses, buffaloes, ponies, asses or mules if laden	0	6	0
15.	On every cart or other vehicle not on springs drawn by 4 bullocks, horses, buffaloes, ponies, asses or mules, if not laden	0	3	0
16.	On every cart or other vehicle not on springs, drawn by 2 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	4	0
17.	On every cart or other vehicle not on springs drawn by 2 buffaloes, bullocks, horses, ponies, asses or mules, if not laden	0	2	0
18.	On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
19.	On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0
20.	On every buffalo or bullock per head, if laden ...	0	1	0
21.	On every buffalo or bullock per head, if not laden	0	0	6
22.	On every elephant	1	0	0
23.	On every camel, if laden	0	4	0
24.	On every camel, if not laden	0	2	0
25.	On every horse, if laden or ridden	0	1	6
26.	On every horse, if unladen or unridden ...	0	0	9
27.	On every thattu or mule, if laden or ridden ...	0	0	9
28.	On every thattu or mule, if unladen or led ...	0	0	6
29.	On every ass, if laden or ridden	0	0	6
30.	On every ass, if unladen or led	0	0	3
31.	On every sheep, goat or pig	0	0	1
32.	On every palanquin, dooly, palna or tonjon with two bearers	0	2	0
33.	On every palanquin, dooly, palna or tonjon with more than two bearers	0	4	0

N.B.—Animals drawing any vehicle for which toll can be demanded are not also to be charged with toll.

MIRZA M. ISMAIL,
Dewan.